REMARKS/ARGUMENTS

Claims 1-67 are pending in the application. Claim 1 has been amended to better describe the invention. Support for this amendment can be found throughout the application, in particular at the bottom of page 3 to the middle of page 4 of the specification. No new matter has been added.

The Applicants would like to thank the Examiner for acknowledging that claims 14-22, 31-34, 47-56, and 66-67 contain allowable subject matter. In the Office Action, the Examiner objected to these claims for depending on a rejected base claim but stated that she would allow these claims if they were rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants respectfully assert for the reasons stated below, that claim 1, as amended, is now in condition for allowance and therefore all depending claims are also in condition for allowance.

In the Office Action, the Examiner rejected claims 1-13, 23-30, 35-46, 57-65 under 35 USC 102(b) as being anticipated by WO-92/06070.

As is well settled, anticipation required "identity of invention." *Glaverbel Societe Anonyme v. Northlake Mktg. & Supply*, 33 USPQ2d 1496, 1498 (Fed. Cir. 1995). Each and every element recited in a claim must be in a single prior art reference and arranged as in the claim. *In re Marshall*, 198 USPQ 344, 346 (CCPA 1978); *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). There must be no differences between what is claimed and what is disclosed in the applied reference. *In re Kalm*, 154 USPQ 10. 12 (CCPA 1967); *Scripps v. Genentech Inc.*, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991). "Moreover, it is incumbent

upon the Examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference." *Ex parte Levy*, 17USPQ2d 1461, 1462 (BPAI 1990). The Examiner is required to point to the disclosure in the reference "by page and line" upon which the claim allegedly reads. *Choing v. Roland*, 17 USPQ2d 1541, 1543 (BPAI 1990).

Initially, as stated above, in making a rejection under 35 USC 102 it is incumbent upon the Examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference by pointing to the disclosure in the prior art that reads on the claimed invention "by page and line." Here, the Examiner simply stated that WO-92/06070 teaches a process of preparing hydroxyalkylamides via admiration wherein an ester is reacted with a primary and/or secondary alkanoamine and that the catalysis can be silicates or carbonates separately or combined without properly citing to support in the prior art disclosure. In other words, the Examiner failed to point to disclosure in WO-92/06070 "by page and line" to support her general statement. However, that is what is required. Therefore, the Examiner has not met her burden in making rejection under 35 U.S.C §102 (b) and for this reason alone the rejection should be reconsidered and withdrawn.

In addition, the Applicants respectfully assert that WO-92/06070 does not exactly teach what the Examiner recites when making the rejection. WO-92/06070 describes a process for manufacturing *glucamine detergents* by reacting N-alklyglucamine, a fatty acid and a catalyst at high concentration selected from trilithium phosphate, trisodium phosphate, tripotassium phosphate, tetrasodium pyrophosphate, tetrapotassium pyrophosphate, pentasodium tripolyphosphate, pentapotassium tripolyphosphate, lithium

carbonate, sodium carbonate, potassium carbonate, disodium tartrate, dipotassium tartrate, sodium potassium tartrate, trisodium citrate, tripotassium citrate, sodium basic silicates, potassium basic silicates, sodium basic aluminosilicates, potassium basic aluminosilicates and mixtures thereof. Throughout WO-92/06070, the alkanolamine is limited to glucamines not to any "primary and/or secondary alkanolamine" as suggested by the Examiner in making her rejection. In addition, the silicates and carbonates described in WO-92/06070 are also more limited in scope than any and all "silicates or carbonates separately or combined" as also stated by the Examiner.

In contrast, claim 1 as amended, is a Jepson-type claim wherein the improvement is carrying out the reaction of an alkanolamine selected from the group consisting of ethanolamine, propanolamine, isopropanolamine, butanolamine, isobutanolamine, methylethanolamine, butylethanolamine, diethanolamine, dipropanolamine, diisopropanolamine, dibutanolamine, diisobutanolamine, and mixtures thereof and ester in the presence of at least one metal silicate or treating the reaction mixture with at least one metal silicate, the metal of the metal silicate being a metal of Group IIA or Group IIIA of the Periodic Table. In other words, WO-92/06070 teaches the manufacture of a linear glucamide surfactant wherein the alkanolamine is limited to N-alkylglucamine and does not teach or suggest using any alkanolamines other than N-alkylglucamine. Accordingly, WO-92/06070 does not teach or suggest each and every element of the claimed invention. For this additional reason, the rejection under 35 U.S.C. § 102(b) should be reconsidered and withdrawn.

Accordingly, favorable action on the merits and allowance of all claims is respectfully requested.

Respectfully submitted,

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